

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC,	)	CASE NO. 1:19-cv-145
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	MAGISTRATE JUDGE
	)	THOMAS M. PARKER
SOUTH UNIVERSITY OF OHIO, LLC,	)	
<i>et. al.</i> ,	)	
	)	
Defendants.	)	

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AFFIDAVIT OF ROBERT MANDEL

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STATE OF NEW YORK            )  
  ) SS:  
COUNTY OF WESTCHESTER )

Robert Mandel, being first duly sworn, deposes and says:

1.     He makes this verified statement regarding employment of professional persons by Mark E. Dottore, Receiver (the “Receiver”), the duly appointed and acting receiver in this matter.

2.     The undersigned is a Managing Director at Graystone Consulting (“Graystone”), a business of Morgan Stanley Smith Barney LLC which is a wholly-owned indirect subsidiary of Morgan Stanley & Co. (“Morgan Stanley”) and is based in Hudson, Ohio.

3.     Neither affiant nor Graystone nor Morgan Stanley has any connection with the Receiver, the Defendants, or any of the Receivership Entities or any party in interest, or with their respective attorneys or other professionals in this case,

except that Mr. James R. Sophia, Jr., a Vice President and Financial Advisor at Morgan Stanley, is the former brother in law of the Receiver.<sup>1</sup> Mr. Sophia has not and will not receive, promise or give anything of value to the Receiver as a result of this appointment. Similarly, the Receiver has not and will not receive, promise or give anything of value for selecting Morgan Stanley as the consultant to the 401(k) Plan.

4. The arrangement for compensation with the Receiver is the customary compensation charged by Graystone and Morgan Stanley and is \$100,000 per year. It is subject to adjustment as is necessary according to the circumstances of the representation. *See*, Exhibit A to the Consulting Agreement, attached to the Application as Exhibit A.

5. This verified statement is to affirm to this Court that neither affiant, nor any person with whom she is associated at Graystone or Morgan Stanley is a relative by blood or marriage to any federal district judge in the Northern District of Ohio. Affiant further says that he is not now, nor has he ever been, so connected with any such Ohio federal district judge as to render his employment or the Court's approval of his employment as legal counsel in the above captioned proceedings

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<sup>1</sup> Mr. Sophia's wife and the Receiver's estranged wife, are sisters.

improper.

  
Robert Mandel

SWORN TO BEFORE ME and subscribed in my presence this 12th day of  
June, 2019.

  
Notary Public

PAULA V POSITANO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01PO6376052  
Qualified in Putnam County  
My Commission Expires 06-04-2022